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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/709,483	05/08/2004	Timothy Kingston	7589.165.PCUS00	1684

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EXAMINER

KING, BRADLEY T

ART UNIT PAPER NUMBER

3683

DATE MAILED: 03/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/709,483

Applicant(s)

KINGSTON ET AL.

Examiner

Bradley T. King

Art Unit

3683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) 14-23 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5-04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Applicant's election of Group I and Species A in the reply filed on 12/27/2005 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claims 14-23 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention and/or species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 12/27/2005.

Priority

Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Sweden on 12/11/2001. It is noted, however, that applicant has not filed a certified copy of the Swedish application as required by 35 U.S.C. 119(b). The application filed on 11/8/2001 has been received. Note MPEP 1895.01

Applicant is required to certify that the international application was not withdrawn or considered to be withdrawn either generally or as to the United States, prior to the filing date of the instant application. Note MPEP 1895.01.

Claim Rejections - 35 USC § 102

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6 and 10-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Jirousek et al (US# 4317498).

Jirousek et al disclose all the limitations of the instant claims including; an annular member 18 for a braking device utilizing a multiple disk brake, said annular member comprising: a first portion 16 forming a part of a brake housing of the braking device; a second portion (perpendicular surface adjacent 48 or surface of pressure plate adjacent reference number 30) forming a pressure surface for the disks in the braking device; and a third portion provided with teeth 28 and forming a ring gear configured to form part of a planetary gear transmission.

Regarding claims 5-6, note teeth 26.

Regarding claim 10, note second portion (pressure plate adjacent reference number 30) is arranged at the inner end of the ring gear and delineates the end of the ring gear.

Regarding claim 11, note fourth portion at the outer circumference receiving bearings 94 and 96. Also see figure 2.

Regarding claim 12, the races of bearings 94 and 96 are capable of receiving balls.

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Regarding claim 13, the fourth portion near bearing 94 is the outer part of the ring gear.

Claims 1-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Kingston (US# 6090006).

Kingston discloses all the limitations of the instant claims including; an annular member 28 for a braking device utilizing a multiple disk brake 34, said annular member comprising: a first portion (portion with splines 42) forming a part of a brake housing of the braking device; a second portion 32 forming a pressure surface for the disks in the braking device; and a third portion provided with teeth 30 and forming a ring gear configured to form part of a planetary gear transmission.

Regarding claims 5-6, note splines 42.

Regarding claims 7-8, note the portion with splines 42 is further than the portion with the ring gear 30.

Regarding claim 10, note second portion 30 is arranged at the inner end of the ring gear as broadly recited.

Regarding claim 11, note fourth portion at the inner circumference receiving bearings 26. Also see figure 2.

Regarding claim 12, the races of bearings 26 are capable of receiving balls.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Keese, Logan, and Forster.


WO 03/040581 is an international application corresponding to the instant application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradley T. King whose telephone number is (571) 272-7117. The examiner can normally be reached on 11:00-7:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James McClellan can be reached on (571) 272-6786. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BTK

 3/16/06
BRADLEY KING
PATENT EXAMINER